

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Jerry King Jr. and Yvonne Cross,

Plaintiffs,

Case No. 07-11359

v.

Hon. Nancy G. Edmunds

OCWEN, et. al.,

Defendants.

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ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION [72] AS  
TO US BANK NATIONAL ASSOCIATION, AMERICA'S SERVICING COMPANY AND CREDIT  
SUISSE

This matter has come before the Court on the Magistrate Judge's Report and Recommendation. Being fully advised in the premises and having reviewed the record and the pleadings, including the Report and Recommendation and any objections thereto, the Court hereby ACCEPTS AND ADOPTS the Magistrate Judge's Report and Recommendation.<sup>1</sup> It is further ordered that Defendants U.S. Bank National Association, America's Servicing Company and Credit Suisse's Renewed Motion for Summary Judgment Pursuant to FRCP 56 and Dismissal Pursuant to FRCP 12(c) is GRANTED, Plaintiffs' Counterclaim for Summary Judgment Pursuant to FRCP 56 and Dismissal to FRCP 12(b) [sic] is DENIED, and the case is hereby DISMISSED.

SO ORDERED.

s/Nancy G. Edmunds

Nancy G. Edmunds  
United States District Judge

Dated: March 18, 2009

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<sup>1</sup>Two citations and one quotation in the Report and Recommendation contained typographical errors. The citation on page two should read Ciminillo v. Streicher, 434 F.3d 461, 464 (6th Cir. 2006). The quotation on page three from Southern Ohio Bank v. Merrill Lynch, Pierce, Fenner & Smith, Inc., 479 F.2d 478, 480 (6th Cir. 1993), should read: "[A]ll well-pleaded material allegations of the pleadings of the opposing party must be taken as true." The citation on page eight should read Perry v. Stewart Title Co., 756 F.2d 1197, 1208 (5th Cir. 1985).

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 18, 2009, by electronic and/or ordinary mail.

s/Carol A. Hemeyer

Case Manager